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09/108,357	07/01/1998	MASAO SUGATA	1232-4450	9224

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MORGAN & FINNEGAN
345 PARK AVENUE
NEW YORK, NY 10154

EXAMINER	
NGUYEN, TOAN D	

ART UNIT	PAPER NUMBER
2665	20

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/108,357	SUGATA ET AL.	
	Examiner	Art Unit	
	Toan D Nguyen	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2004* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-8,10-12,14,18-20,22,26-29,32-34,38,40 and 49-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *32-34 and 40* is/are allowed.

6)☒ Claim(s) *1,2,4-8,10-12,14,18-20,22,26-29,38 and 49-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 4-8, 10-11, 18-19, 49 and 51 are rejected under U.S.C. 103(a) as being unpatentable over Murakami et al. (U.S. Re. 35,104) in view of Odaka (U.S. 5,172,380) further in view of Kotani et al. (U.S. 5,987,029).

For claims 1, 4-8, 10-11, 18-19, 49 and 51, Murakami et al. disclose subrate multi-media data transmission system, comprising:

a) encoding means for error detection or correction encoding information used in a multimedia network (figure 1, reference 102, col. 5 lines 34-37),

b) transmission means for multiplexing (figure 1, reference 111) the information to be distributed encoded by said encoding means in a broadcast signal, and transmitting the multiplexed signal (col. 5 lines 46-48).

Murakami et al. do not disclose said encoding means error detection or correction encoding at least a portion in a header in the information to be distributed with higher redundancy than an entity in the information to be distributed; and wherein said transmission means is also arranged so as to multiplex second information including character information into the broadcast signal without using the Markup language description format to transmit the thus-multiplexed signal.

In an analogous art, Odaka discloses said encoding means error detection or correction encoding at least a portion in a header in the information to be distributed with higher redundancy than an entity in the information to be distributed (col. 12 lines 46-60).

One skilled in the art would have recognized an error detection or correction encoding at least a portion in a header in the information to be distributed with higher redundancy than an entity in the information to be distributed to use teaching of Odaka in the system of Murakami et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention, to use the error detection or correction encoding at least a portion in a header in the information to be distributed with higher redundancy than an entity in the information to be distributed as taught by Odaka in Murakami et al.'s system with the motivation being to provide a reproduction device can distinguish a block of data in which the first data is contained as auxiliary data from a block of data in which the second data is contained as auxiliary data (col. 12 lines 56-60).

However, Murakami et al. in view of Odaka do not disclose information to be distributed in a Markup language description format, and wherein said transmission means is also arranged so as to multiplex second information including character information into the broadcast signal without using the Markup language description format to transmit the thus-multiplexed signal.

In an analogous art, Kotani et al. disclose information to be distributed in a Markup language description format (figure 2, reference 225, col. 7 line 56); and wherein said transmission means is also arranged so as to multiplex second information including character information into the broadcast signal without using the Markup language description format to transmit the thus-multiplexed signal (figure 2, reference 210, col. 7 lines 35-36).

One skilled in the art would have recognized a Markup language format to use the teachings of Kotani et al. in the system of Murakami et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention, to use the Markup language format as taught by Kotani et al. in Murakami et al.'s with the motivation being comprised a URL indicating the address of the detailed information (file) corresponding to the page data 22 on the Internet and the title of this URL (col. 7 lines 60-63).

3. Claims 2 and 50 are rejected under U.S.C. 103(a) as being unpatentable over Murakami et al. (U.S. Re. 35,104) in view of Odaka (U.S. 5,172,380) and Kotani et al. (U.S. 5,987,029) further in view of Engelbrecht et al. (U.S. 5,912,917).

For claims 2 and 50, Murakami et al. in view of Odaka and Kotani et al. do not disclose the broadcast signal is an FM audio signal, and said transmission means frequency-multiplexes the information to be distributed in a frequency band different from an FM-modulated audio signal. In an analogous art, Engelbrecht et al. disclose the broadcast signal is an FM audio signal

(figure 7, references 88-108 MHz FM, col. 5 line 21), and said transmission means frequency-multiplexes the information to be distributed in a frequency band different from an FM-modulated audio signal (figure 27, MUX block, col. 5 lines 23-41).

One skilled in the art would have recognized an FM audio signal to use the teachings of Engelbrecht et al. in the system of Murakami et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the FM audio signal as taught by Engelbrecht et al. in Murakami et al.'s system with the motivation being provide the current FM band of 88 to 108 Mhz is preferred for the introduction of the digital because of its superior propagation and penetration characteristics and because of the RF technology developed for FM (col. 1 lines 40-40-43).

4. Claims 22, 26-29 and 38 are rejected under U.S.C. 103(a) as being unpatentable over Murakami et al. (U.S. Re. 35,104) in view of Engelbrecht et al. (U.S. 5,912,917) further in view of Kotani et al. (U.S. 5,987,029).

For claims 22, 26-27 and 29, Murakami et al. disclose subrate multi-media data transmission system, comprising:

b) processing means for performing error correction or detection (figure 1, reference 102) processing of the information using the first error check code (col. 5 lines 51-55).

Murakami et al. do not disclose:

a) reception means for receiving a first broadcast signal obtained by multiplexing first information to be distributed in a Markup language description format used in a multimedia network and a first error check code added for the information distributed, wherein said reception means is also arranged so as to received a second broadcast signal provided by

multiplexing second information including character information distributed without using the Markup language description format, and a second error check code.

b) wherein said processing means is also arranged so as to execute the error correction or detection processing on the second information by using the second error check code, when the second broadcast signal is received by said reception means.

In an analogous art, Engelbrecht et al. disclose:

a) reception means for receiving a first broadcast signal obtained by multiplexing first information to be distributed in a multimedia network and a first error check code added for the information to be distributed, wherein said reception means is also arranged so as to received a second broadcast signal provided by multiplexing second information distributed without using the Markup language description format, and a second error check code (figure 27, col. 13 lines 35-41 and col. 14 lines 3-4); and

b) wherein said processing means is also arranged so as to execute the error correction or detection processing on the second information by using the second error check code, when the second broadcast signal is received by said reception means (col. 13 lines 35-41 and col. 14 lines 2-4).

One skilled in the art would have recognized a reception means for receiving a broadcast signal to use teaching of Engelbrecht et al. in the system of Murakami et al. Therefore it would have been obvious to one of ordinary skill in the art at the time invention, to use the reception means for receiving a broadcast signal as taught by Engelbrecht et al. in Murakami et al.'s system with the motivation being to provide a broadcast system such that a mobile receiver

traveling between edges of reception of two or more low power range extension radio broadcast station does not evidence interference therebetween (Abstract lines 21-24).

However, Murakami et al. in view of Engelbrecht et al. do not disclose information to be distributed in a Markup language description format and second information including character information. In an analogous art, Kotani et al. disclose information to be distributed in a Markup language description format (figure 2, reference 225, col. 7 line 56); and second information including character information (figure 2, reference 210, col. 7 lines 35-36).

One skilled in the art would have recognized a Markup language format to use the teachings of Kotani et al. in the system of Murakami et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention, to use the Markup language format as taught by Kotani et al. in Murakami et al.'s with the motivation being comprised a URL indicating the address of the detailed information (file) corresponding to the page data 22 on the Internet and the title of this URL (col. 7 lines 60-63).

For claim 28, Engelbrecht et al. in view of Murakami et al. disclose further storage means for storing the information to be distributed, and informing means for informing that the received information to be distributed is stored in said storage means and has not been output to an external device (figure 27, MUX block).

5. Claims 12 and 14 are rejected under U.S.C. 103(a) as being unpatentable over Murakami et al. (U.S. Re. 35,104) in view of Hunsinger et al. (U.S. 5,956,624) further in view of Kotani et al. (U.S. 5,987,029).

For claims 12, 14 and 20, Murakami et al disclose subrate multi-media data transmission system, comprising:

a) encoding means for error detection or correction encoding (figure 1, reference 102) information to be distributed in a description format used in a multimedia network (col. 5 line 34); and

b) transmission means for multiplexing (figure 1, reference 111) the information to be distributed encoded by said encoding means in a broadcast signal, and transmitting the multiplexed signal (col. 5 lines 46-48).

Murakami et al. do not disclose wherein a plurality of kinds of information are able to be transmitted as an entity in the information to be distributed, wherein said encoding means uses different error detection or correction ability in correspondence with the kind of information, and wherein said transmission means is also arranged so as to multiplex second information including character information into the broadcast signal without using the Markup language description format to transmit the thus-multiplexed signal.

In an analogous art, Hunsinger et al. disclose wherein a plurality of kinds of information being able to be transmitted as an entity in the information to be distributed, and said encoding means (figure 2, reference 35) using different error detection or correction ability in correspondence with the kind of information (col. 11 lines 30-51). One skilled in the art would have recognized an error correction encoder to use teaching of Hunsinger et al. in the system of Murakami et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention, to use the error correction encoder as taught by Hunsinger et al. in Murakami et al.'s system with the motivation being to protect the audio signal (col. 11 lines 32-43).

However, Murakami et al. in view of Hunsinger et al. do not disclose information to be distributed in a Markup language description format, and wherein said transmission means is

also arranged so as to multiplex second information including character information into the broadcast signal without using the Markup language description format to transmit the thus-multiplexed signal. In an analogous art, Kotani et al. disclose information to be distributed in a Markup language description format (figure 2, reference 225, col. 7 line 56); and wherein said transmission means is also arranged so as to multiplex second information including character information into the broadcast signal without using the Markup language description format to transmit the thus-multiplexed signal (figure 2, reference 210, col. 7 lines 35-36).

One skilled in the art would have recognized a Markup language format to use the teachings of Kotani et al. in the system of Murakami et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention, to use the Markup language format as taught by Kotani et al. in Murakami et al.'s with the motivation being comprised a URL indicating the address of the detailed information (file) corresponding to the page data 22 on the Internet and the title of this URL (col. 7 lines 60-63).

Allowable Subject Matter

6. Claims 32-34 and 40 are allowed.

7. The following is an examiner's statement of reasons for allowance:

Regarding claim 32, none of the available prior art teaches or suggests:

display means for displaying the first character information, said display means displaying second character information when the information to be distributed has the second character information, in the specific combination as recited in claim 32.

Regarding claim 40, none of the available prior art teaches or suggests:

displaying second character information using display means for displaying the first character information when the information to be distributed has a second character information, in the specific combination as recited in claim 40.

Response to Arguments

8. Applicant's arguments with respect to claims 1-2, 4-8, 10-12, 14, 18-20, 22, 26-29, 32-34, 38, 40 and 49-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment on March 17, 2004 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

TN

T.N.

STEVEN NGUYEN
PRIMARY EXAMINER